

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: February 22, 2001

TO: Orange County Zoning Administrator

FROM: Planning and Development Services Department/Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA00-0144 for Coastal Development Permit and Site Development Permit

PROPOSAL: Coastal Development Permit to demolish an existing single-family dwelling and construct a new single-family dwelling. Site Development Permit for grading in excess of 500 cubic yard of earth on a lot with slopes greater than 15 percent.

LOCATION: 86 Emerald Bay, Laguna Beach. Fifth Supervisorial District

APPLICANT: Bill and Pam Lawless, property owners
Scott Laidlaw, architect/agent

STAFF William V. Melton, Project Manager

CONTACT: Phone: (714) 834-2541 FAX: (714) 834-4652

SYNOPSIS: Current Planning Services Division recommends Zoning Administrator approval of PA00-0144 subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The subject site is in the community of Emerald Bay, ocean side of Pacific Coast Highway. The lot is an irregular shaped 7,000 square foot lot, developed with a single-family dwelling. The applicant proposes to demolish this dwelling and construct a new three-level, 5,041 square feet single-family dwelling. Required on site covered parking is provide by a 20 feet wide by 39 feet deep garage located at the rear portion of the site. Uncovered parking for several other cars is provided in a court area in front of the garage. Approval of a Coastal Development Permit is required to carry out this proposal.

The property has an average slope of 17 percent from the back to the front. Proposed grading calls for 924 cubic yard of cut and 132 cubic yards of fill, leaving 792 cubic yard of material to be exported from the site. Since the slope exceeds 15 percent and the amount exceeds 500 cubic yards, Zoning Code Section 7-9-139 requires approval of a Site Development Permit for the proposed grading.

SURROUNDING LAND USE:

The project site and all surrounding properties are zoned R1 (CD) and developed with single-family dwellings. Emerald Bay also has a certified Local Coastal Program. All properties ocean side of Pacific

Coast Highway are subject to the additional development regulations contained in Zoning Code Section 7-9-118 "Coastal Development" District. In general, property owners are required to obtain approval of a Coastal Development prior to demolishing or making large additions to an existing residence and/or construction of a new dwelling. The Emerald Bay LCP exempts properties located inland of Pacific Coast Highway from the regulations of obtaining a Coastal Development Permit prior to demolishing or new construction.

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Since this project is in the coastal zone a notice was mailed to residents within 100 feet of the site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to six County Divisions and the Emerald Bay Community Association.

As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions. The proposal has received preliminary approval from the Emerald Bay Community Association.

CEQA COMPLIANCE:

Negative Declaration No. PA000144 (Exhibit 2) has been prepared for this proposal. It was posted for public review on January 8, 2001 and became final on January 28, 2001. Prior to project approval, this ND must be found adequate to satisfy the requirements of CEQA by the Zoning Administrator. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

Unlike a vast majority of new homes constructed in Emerald Bay, the new dwelling proposed conforms to both the R1 site development standards and the Emerald Bay CC&Rs restrictions. The project site is classified as a shallow lot with an average depth of 68 feet. The required front and rear setback for this lot under Zoning Code Section 7-9-128 "Exceptions to Building Lines Chart" is 15 percent of the average depth, which is a front and rear setback of 10'-2" for this lot. Additionally, Section 7-9-128 also provides for the front setback to be the average of the setback of the two adjoining lots. For this proposal, the two houses on the adjoining properties have an average setback of 5'-4". The project has a proposed front setback of 10'-0" and a rear setback of 10'-3". The front and rear setbacks proposed are therefore consistent with the provisions of the R1 District and Section 7-9-128. The side setback requirements are 5 feet on each side. Side setbacks of 6 feet and 12 feet are proposed.

Had this project be located on the inland side of Pacific Coast Highway, a Coastal Development Permit and this public hearing would not be required because the dwelling conforms to the R1 District site development standards. However, this proposal is located on the ocean side of Pacific Coast Highway and

is in the California Coastal Commission “appealable area” and the Emerald Bay LCP does not exempt new home construction. As such, neither the demolition of the existing dwelling nor the construction of the proposed dwelling are exempt from the requirement to obtain approval of a Coastal Development Permit prior to demolition or new construction. Additionally, the approval of this proposal is appealable to the Coastal Commission.

The Site Development Permit for grading is not out of line with other grading required for other new home construction throughout the Emerald Bay Community. Emerald Bay has strict regulations governing building height. In order to construct a new dwelling meeting the owner’s living needs, grading is generally required to lower the existing building pad. This project proposes to lower the existing building pad approximately 5 to 7 feet. Additional grading with the use of terrace walls extending 6 feet above finished grade proposed at the rear of the site.

Staff did not identify any planning issues associated with the proposed Coastal Development Permit or Site Development Permit. Staff does note that this proposal is somewhat unusual in that variances to the front and rear setback or the garage setback are not required. Staff supports the applicant’s proposal and makes a recommendation as follows.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA00-0144 for Coastal Development Permit and Site Development Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief
CPSD/Site Planning Section

WVM

Folder: D/Emerald Bay/PA00-0144 Staff

APPENDICES:

- A. Recommended Findings
- B. Recommended Conditions of Approval

EXHIBITS:

- 1. Applicant's Letter of Explanation
- 2. Environmental Documentation
- 3. Site Plans

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.

In addition, this project is within the Coastal Zone and is an "appealable development". Approval of an appealable development may be appealed directly to the California Coastal Commission (telephone number 562-560-5071), in compliance with their regulations, without exhausting the County's appeal procedures.